

be done, those folks who deal with the issue every day, those folks at the Department of Homeland Security, are better suited to determine how we can come up with a plan to control the border. We mandate that they come back to us with that plan to control the border within 6 months after the effective date of this legislation.

Mr. President, I would simply say in closing, we agree, No. 1, there is a problem. I commend Senator CRAIG and Senator KENNEDY for continuing to move this ball down the field, as they have done. While I do not necessarily agree that the Iraq supplemental is the right place to do it, we are here today. But it simply is a matter of in which direction we are going to go.

Is it going to be looking at folks who are in this country illegally and rewarding them, rewarding them with a path to citizenship? Or is it going to be in the direction of saying, OK, we know you are here illegally, but if you are here and are a law-abiding individual in this country, and you are making a contribution to this society, and you are not displacing an American worker, then we are going to give you a temporary status? We are not going to say you are here illegally. We are going to say you are here legally, temporarily.

That is a critical difference. We are going to make sure our farmers and our ranchers have the workforce necessary to carry out the job they must do of feeding Americans as well as other folks around the world, but we are simply not going to use that tool to put people who are here illegally on a pathway to one of the most precious rights every American citizen has, and that is citizenship of this country.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KENNEDY. If the Chair would be good enough to notify me when I have 1 minute remaining, please.

The PRESIDING OFFICER. The Chair will be happy to.

Mr. KENNEDY. Mr. President, it is a privilege to join with Senator CRAIG in offering the Agricultural Jobs, Opportunity, Benefits, and Security amendment.

America has a proud tradition as a nation of immigrants and a nation of laws, but our current immigration laws have failed us. Much of the Nation's economy today depends on the hard work and the many contributions of immigrants. The agricultural industry would grind to a halt without immigrant farmworkers. Yet the overwhelming majority of these workers are undocumented and are, therefore, easily exploited by unscrupulous employers.

Our AgJOBS bill corrects these festering problems. It gives farmworkers and their families the dignity and justice they deserve, and it gives agricultural employers a legal workforce.

Impressive work has been done by many grassroots organizations to make

AgJOBS a reality. They have demonstrated true statesmanship by putting aside strongly held past differences to work together for the common good. We have our own responsibility to join in a similar way to approve this needed reform that is years overdue.

I commend Senator CRAIG and Congressmen BERMAN and CANNON for their leadership. I urge my colleagues to wholeheartedly endorse the AgJOBS bill.

Our bill reflects a far-reaching and welcome agreement between the United Farm Workers and the agricultural industry to meet this urgent need, and Congress should make the most of this unique opportunity for progress.

Our bill has strong support from business and labor, civic and faith-based organizations, liberals and conservatives, trade associations and immigrant rights groups. More than 500 organizations across the country support it.

AgJOBS is a bipartisan compromise reached after years of negotiations. Both farmworkers and growers have made concessions to reach this agreement, but each side has obtained important benefits.

In contrast, opponents offer a one-sided proposal that has failed to win the broad support AgJOBS has received. I urge my colleagues to oppose it. It vastly favors employers at the expense of farmworkers. It makes harsh revisions to the current agricultural guest worker program and creates a new blue card program for undocumented workers without a path to permanent residence, and without any meaningful governmental oversight to prevent labor abuses.

Agricultural employers would have the freedom to avoid hiring U.S. workers, displace U.S. workers already on the job, and force both U.S. workers and guest workers to accept low wages. They could do all this by claiming they can't find any U.S. workers. Even when the few labor protections are violated, workers would have no meaningful ability to enforce their legal rights.

This program would return us to the dark and shameful era of the Bracero Program where abuses were rampant and widely tolerated. That is unacceptable. We must learn from our mistakes and not repeat them.

The Chambliss amendment also ignores the needs of many growers and farmworkers. It offers no solution to the basic problem faced by agricultural employers—the problem that an overwhelming majority of the workers are undocumented. By offering no path to permanent residence for these undocumented workers, none of the guest workers, no matter how long they have worked, will ever be able to earn their permanent status.

Perhaps more troubling is the amendment's repeal of the longstanding adverse effect wage rate under the current program. This wage rate

was created during the Bracero Program as a necessary program against the depression in wages caused by guest worker programs. The Chambliss proposal would replace it with a prevailing wage standard, substantially lower than the adverse effect wage rate. It would be based on the employer's own survey of prevailing wages rather than the Labor Department's survey. Farmworkers, who are already the lowest paid workers in the United States, would see their wages drop even lower. In contrast, the AgJOBS bill preserves the adverse effect wage rate while recommendations are made to Congress to resolve these long-contested pay issues.

The Chambliss amendment also eliminates the key provision that gives U.S. workers a job preference by employers who request guest workers. It would end the longstanding 50 percent rule which requires employers to hire qualified U.S. workers who applied during the first half of the season. Studies have shown that this rule is a valid protection.

In addition, the Chambliss amendment would end what they call positive recruitment—the obligation of employers to look for U.S. workers outside of the government job service which currently provides farmworkers with agricultural jobs. This proposal creates a new guest worker program for the undocumented that would offer them visas that would be valid only for 3 years and renewable for up to 6 additional years. They would have no opportunity to earn a green card no matter how many years they worked in the United States. In fact, they would actually lose their status if they merely filed an application to become a permanent resident.

Senator CHAMBLISS believes that undocumented farmworkers will come out of the shadows and sign up for such a temporary worker program, but they are highly unlikely to do so. The vast majority will be deported after their temporary status expires. Registering as the first step towards deportation is unfair, and it just won't work.

In contrast, the AgJOBS bill offers farmworkers a genuine earned adjustment program that will put these workers and their families on a path to permanent residence. Hard-working, law-abiding farmworkers will be able to come out of the shadows. The Chambliss amendment is far less satisfactory than the AgJOBS proposal, and I urge my colleagues to oppose it.

Opponents of the AgJOBS bill claim that we are rushing this bill through Congress without full and careful consideration. This claim is without merit. Since 1998, the Immigration Subcommittee has held three hearings that have fully examined our agricultural workforce problems and the need to reform our immigration laws. Last year, we considered the issue once more. Legislation to address this problem has been introduced by both Republicans and Democrats in every Congress since 1996.